

REMARKS

In the Office Action, certain claims have been rejected for being anticipated by LePivert (U.S. Pat. No. 6,235,018), and others have been rejected for being obvious in view of selected references. The Examiner, however, has indicated there is allowable subject matter and, accordingly, has objected to selected claims for being dependent on a rejected base claim.

In response to the Office Action, base independent claims 1, 9 and 21 have been amended to incorporate all of the limitations of an "objected to" claim, along with limitations set forth in any intervening claims. Further, independent claim 15 has been amended to incorporate a combination of limitations that comply with what the Examiner has indicated is allowable subject matter. Claims 5, 6, 11, 12 and 22-24 have been canceled.

Amendments to the claims have been made to present allowable subject matter, as indicated by the Examiner; to improve the readability of the claims; to more clearly define the structure of the invention; and to point out the features which distinguish this invention over the cited art. Claims 1-4, 7-10 and 13-21 remain pending.

Rejections under 35 U.S.C. § 102

Claims 1, 5, 15 and 19 have been rejected for being anticipated by LePivert ('018).

Independent claim 1 has now been amended to include all of the limitations originally set forth in dependent claim 6 and in intervening claim 5. Accordingly, claims 5 and 6 have been canceled. The Examiner has indicated that such a claim would be allowable.

Independent claim 15 (a system claim using “means for” language) has been amended to effectively include all of the same limitations that are now incorporated into amended claim 1 (a method claim). Consequently, Applicant contends the same distinctive features that make claim 1 allowable, and patentably distinguishable over LePivert, apply in substantially the same manner to claim 15.

For the reasons set forth above, Applicant believes the bases for rejecting claims for being anticipated by LePivert have been overcome, and should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 2-3, 9, 11 and 16-17 have been rejected for being unpatentable over LePivert. And, claims 8, 14 and 20 have been rejected for being unpatentable over LePivert in view of Sun et al. (U.S. Pat. No. 6,391,024). Further, claims 21-23 have been rejected for being unpatentable over Sun et al. in view of LePivert.

Independent claim 9 has been amended to incorporate the limitations set forth in claims 11 and 12, and independent claim 21 has been amended to incorporate the limitations set forth in claims 22-24. The Examiner has indicated that such claims (i.e. claims 9 and 21) contain allowable subject matter and would, therefore, be allowable.

Appropriately, claims 11, 12 and 22-24 have been canceled. Further, all dependent claims now depend from a base claim which the Examiner has indicated would be allowable.

For the reasons set forth above, Applicant believes the bases for rejecting claims for being unpatentable have been overcome, and should be withdrawn.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicant respectfully asserts that claims 1-4, 7-10 and 13-21 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 22nd day of December, 2005.

Respectfully submitted,


NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300